

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

HOWARD JOHNSON INTERNATIONAL,  
INC.,

Plaintiff,

v.

KIL SU KIM, et al.,

Defendants.

Civil Action No.: 11-3438 (JLL)

**ORDER**

**THIS MATTER** comes before the Court by way of Plaintiff's motion to strike Defendants' Answer and Counterclaim and to enter default judgment based upon Defendants' failure to obey various Court orders and/or to participate in discovery [Docket Entry No. 26]. This Court had referred Plaintiff's motion to the Honorable Michael A. Hammer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (b)(1)(B). Magistrate Judge Hammer filed a Report and Recommendation in connection with said motion on December 14, 2012. In particular, Magistrate Judge Hammer recommended that Plaintiff's motion to strike Defendants' Answer and Counterclaim and to enter default judgment be granted. Magistrate Judge Hammer further recommended that default judgment against the Defendants be entered in the total amount of \$204,142.68, broken down as follows:

1. Recurring fees plus interest -- \$82,410.15
2. Liquidated damages plus interest -- \$111,855.91
3. Attorneys' fees and costs -- \$9,876.62


To date, the Court has received no objections with respect to Magistrate Judge Hammer's Report and Recommendation, and for good cause shown,

**IT IS** on this 3<sup>rd</sup> day of January, 2013,

**ORDERED** that the Report and Recommendation of Magistrate Judge Hammer, filed on December 14, 2012 [CM/ECF Docket Entry No. 27], is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and it is further

**ORDERED** that Plaintiff shall, within fifteen (15) days, submit a proposed Judgment memorializing the Court's ruling for the Court's consideration.

**IT IS SO ORDERED.**

  
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Jose L. Linares  
United States District Judge